

## REMARKS

The Examiner cites the combination of Tumeo and Sointula as rendering obvious the invention defined in claims 1 and 9. The Examiner comments that Tumeo has all of the features of claim 1 except the variable divider. The Examiner alleges that Sointula discloses this feature.

It appears that the Examiner is under the impression that the variable divider, which divides the variable frequency oscillator signal by different integers greater than one, and supplies the resulting divided signal to the mixer, is anticipated by a phase locked loop with a variable divider between the variable oscillator and the phase detector. Tumeo does indeed disclose all of the features of claim 1, except for the variable divider. The divider of Tumeo is a *fixed* divider. Sointula discloses a standard phase locked loop synthesizer having a variable divider, although neither reference discloses explicitly that the divider always divides by an integer greater than one.

According to claim 1 of the present invention, it is the *variable divider* which provides the local oscillator signal to the mixer, whereas according to Sointula, the signal is provided by the *local oscillator* directly (see signal 104 of Fig. 1A). Even combining the two cited references, one would merely achieve the system of Tumeo with the addition of a standard phase locked loop; claim 1 still does not read onto this combination. The difference is non-trivial, since using the variable divider to provide the signal allows the local oscillator signal to be moved outside of the reception band, with consequential advantages as described at pages 6-7 of the specification.

Given that the two independent claims are patentable, it is not necessary to comment on any of the objections raised by the Examiner to the dependent claims.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

Attorneys for Applicant(s)

489 Fifth Avenue

New York, New York 10017-6105

Tel: (212) 697-3750

Fax: (212) 949-1690

  
\_\_\_\_\_  
Alan Israel  
Reg. No. 27,564